## UNITED STATES DISTRICT COURT NORTHEN DISTRICT OF ALABAMA SOUTHERN DIVISION

DAVID WAYTON,	)	
Plaintiffs,	)	
v.	)	Civil Action No.:
	)	2:12-CV-838-AKK
UNITED MINE WORKERS	)	
OF AMERICA HEALTH AND	)	
RETIREMENT FUNDS,	)	
Defendant.	)	
Detelluant.	,	

## STATEMENT NOTING THE DEATH OF PLAINTIFF DAVID WAYTON

Counsel for Plaintiff David Wayton files and serves this statement noting his death. Fed. R. Civ. P. 25(a).

Respectfully submitted,

/s/ Wayne Morse, Jr.
Wayne Morse, Jr.
Attorney for David Wayton

Waldrep, Stewart & Kendrick, LLC 2323 Second Avenue North Birmingham, AL 35203 Telephone: (205) 327-8376 Facsimile: (205) 327-8395

Email:

morse@wskllc.com

/s/ Samuel Maples
Samuel Maples
Attorney for David Wayton

Maples & Jacobs, LLC 1804 7<sup>th</sup> Avenue North Birmingham, AL 35203

Telephone: (205) 322-2333 Facsimile: (205) 322-4962 Email: sam@maplesjacobs.com

## **CERTIFICATE OF SERVICE**

I hereby certify that I have on January 22, 2013, served a copy of the above and foregoing pleading upon all parties and counsel of record and filed same electronically:

Robert M. Weaver Quinn, Connor, Weaver, Davies & Rouco Suite 380, 2700 Highway 280 East Birmingham, AL 35223 (205) 870-9989 (205) 803-4143 (fax) rweaver@qcwdr.com

Glenda S. Finch/ Abigail Petouvis UMWA Health & Retirement Funds Office of the General Counsel 2121 K Street, NW Washington, D.C. 20037 (202) 521-2357 (202) 530-4090 (fax) apetouvis@umwafunds.org

> <u>/s/ Wayne Morse, Jr.</u> OF COUNSEL